

1  
2  
3  
4  
5  
6  
7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 STEVEN VANCE, et al.,

11 Plaintiffs,

12 v.

13 MICROSOFT CORPORATION,

14 Defendant.

CASE NO. C20-1082JLR

MINUTE ORDER

15 The following minute order is made by the direction of the court, the Honorable  
16 James L. Robart:

17 The parties contacted the court on January 3, 2022, regarding the schedule for  
18 briefing Defendant Microsoft Corporation's ("Microsoft") motion for summary  
19 judgment. (MSJ (Dkt. # 84).) The court clarifies that nothing in the class certification  
20 scheduling order (Sched. Ord. (Dkt. # 58)) precludes a party from filing a motion for  
21 summary judgment before the class certification deadline. In response to the parties'  
22 inquiries, the court ORDERS as follows:

1           1.     The parties shall complete briefing on Plaintiffs' motion for class  
2 certification (MCC (Dkt. # 70)) in accordance with the schedule set forth in their  
3 stipulation modifying the class certification scheduling order (*see* 8/31/21 Order (Dkt.  
4 # 69)).

5           2.     The parties shall file, by no later than Monday, January 10, 2022, a  
6 stipulation and proposed order setting a revised briefing schedule for Microsoft's motion  
7 for summary judgment. The stipulation shall identify the additional discovery that is  
8 necessary for Plaintiffs to respond to Microsoft's motion.

9           3.     If the parties are unable to agree on a revised briefing schedule, Plaintiffs  
10 shall file, by no later than Monday, January 10, 2022, a motion for additional discovery  
11 pursuant to Federal Rule of Civil Procedure 56(d). Microsoft's response to this motion  
12 shall be due no later than Tuesday, January 18, 2022, and Plaintiffs' reply shall be due no  
13 later than Friday, January 21, 2022.

14          4.     The Clerk is directed to renote Microsoft's motion for summary judgment  
15 (Dkt. # 84) for January 21, 2022. The court will further reset the noting date when it  
16 issues its order on either the parties' stipulation or Plaintiffs' motion.

17          5.     The court DEFERS ruling on Plaintiffs' motion for class certification (Dkt.  
18 # 70) until after it has decided Microsoft's motion for summary judgment. The Clerk is  
19 directed to administratively terminate the motion for class certification pending the  
20 court's order on Microsoft's motion for summary judgment.

21 //

22 //

1 Filed and entered this 3rd day of January, 2022.

2 RAVI SUBRAMANIAN  
3 Clerk of Court

4 s/ Ashleigh Drecktrah  
5 Deputy Clerk  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22